

News from the FPPC

California Fair Political Practices Commission
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Proposed Conflict-Of-Interest Regulations, Diversion Program Discussion on FPPC's May Agenda

The Fair Political Practices Commission on Thursday (May 11) is to vote on proposed regulations relating to the ban on certain officials' participation in decisions affecting a party from whom they have received more than \$250 in campaign contributions.

The FPPC will also consider a number of other agenda items, including a discussion of a proposed diversion program for relatively minor violations of the Political Reform Act and approval of a new campaign disclosure manual for ballot measure committees.

The commission's regular monthly meeting begins at 9:45 a.m. in the FPPC's eighth-floor hearing room at 428 J St. (Fifth and J Streets) in Sacramento.

Generally under California's Political Reform Act, campaign contributions are not a basis for disqualifying an elected official from voting on a matter affecting the contributor. However, under section 84308 of the Act, certain public agency officers are disqualified from participating in decisions affecting a party from whom the official has received campaign contributions of more than \$250 within the 12 month preceding the decision. This section of the law applies most often to appointed members of local boards and commissions, such as planning commissions.

On Thursday, the FPPC is to vote on regulatory changes affecting this section. Proposed regulation 18438.5 would put in place a conflict-of-interest standard requiring contributions from a party's "parent, subsidiary, or otherwise related business entity" to be "aggregated" – or included – in the greater than \$250 contribution threshold. In addition, proposed amendments to regulation 18438.8 would require disclosure of contributions of a party's parent, subsidiary, or otherwise related business entity on the record of the proceeding at the time the application is filed or at the time the proceeding is commenced before the agency involved. (See agenda item #10.)

Other items on Thursday's meeting agenda include:

- Discussion of an Enforcement Division memorandum on a concept for a proposed diversion program for relatively minor violations of the Political Reform Act. This memorandum was previously requested by the commission as part of its Strategic Plan adopted in December 2005. As envisioned by staff, a diversion program would serve as both an educational tool for members of the regulated community and as an alternative enforcement tool. The goal would be to include cases that are minor in nature but not so minor that they would not have been prosecuted in the first place. (See agenda item #12.)
- Proposed approval of a new campaign disclosure manual for ballot measure committees. This is the latest project in a major FPPC staff publications program. The manual, when approved, will be made available free on the FPPC's website. (See agenda item #13.)
- A number of enforcement cases. (See agenda items #4-9.)

The agenda and supporting memoranda and materials are posted on the FPPC's website at www.fppc.ca.gov. Just click on "Agendas" on the left side of the home page and go to "Current Agenda." The agenda is posted on the website 10 days before the meeting, and letters commenting on agenda items are also posted when received.

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